

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY (NEWARK VICINAGE)**

DAVID HENRIQUEZ-CHICAS :

Plaintiff :

JASIEL CASTELLON; ANOTHER :
CARRIER CO., INC.; ENGS :
COMMERCIAL FINANCE COMPANY :

Defendants :

CIVIL ACTION NO.:

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendants, Jasiel Castellon and Another Carrier Co., Inc., through their attorneys, Salmon, Ricchezza, Singer & Turchi, LLP, hereby remove this matter from the Superior Court of New Jersey, Law Division, Union County, to the United States District Court of the District of New Jersey (Newark Vicinage) pursuant to 28 U.S.C. §1441 et seq. and in support thereof aver as follows:

1. On or about May 10, 2017, Plaintiff, David Henriquez-Chicas filed a Complaint in the Superior Court of New Jersey, Law Division, Union County. A copy of said Complaint is attached hereto as *Exhibit A.*"

2. Plaintiff, David Henriquez-Chicas resides in the State of New Jersey at 1036 Kilsyth Road in the City of Elizabeth, Union County, New Jersey.

3. Defendant, Jasiel Castellon is a resident of the State of Florida residing at 968 E. 24th Street, Hialeah, Florida 33113.

4. Defendant, Another Carrier Co., Inc. is a corporation with its principal place of business at 8090 W. 23rd Avenue, Suite 6, Hialeah, Florida 33016.

5. ENGS Commercial Finance Company is a corporation with its principal place of business located at 2441 Warrenville Road, Suite 310, Lisle, Illinois 60532.

6. The accident which is the basis of this lawsuit occurred on November 1, 2016 on Spring Street, Elizabeth County, New Jersey.

7. The Plaintiff's Complaint alleges that the Plaintiff sustained bodily injury, has suffered great pain to mind and body and will continue to suffer in the future; has been prevented from attending to his normal and usual activities; and has incurred medical expenses to treat said injuries.

8. Based upon the aforementioned injuries, it appears that this case has an amount in controversy in excess of \$75,000.00, exclusive of interest and costs.

9. This Court has original jurisdiction of this matter pursuant to 28 U.S.C. §1332 in that there is complete diversity of citizenship.

10. The documents attached hereto constitute all the pleading, process and orders served upon the Petitioners in this action in the Superior Court of New Jersey, Law Division, Union County.

11. This case is removable from the Superior Court of New Jersey, Law Division, Union County, pursuant to 28 U.S.C. §1446 et seq.

12. This notice is being filed within thirty (30) days of service of the Summons and Complaint upon Defendant, Another Carrier Co., Inc.

13. Diversity of citizenship existed at the time that Summons and Complaint were served and continues through the time of filing of this Notice, such that Defendants are entitled to remove this matter pursuant to 28 U.S.C. §1332, 1441 and 1446.

14. Based on the matter set forth here and above, this case is removable and said removal has commenced with the time provided by to 28 U.S.C. §1446(b)(3).

15. All named Defendants consent to removal of this matter.

WHEREFORE, Petitioners pray that the above-captioned action, now pending against them in the Superior Court of New Jersey, Law Division, Union County, under Docket No.: UNN-L-1749-17 be removed therefrom to this Court.

SALMON, RICCHEZZA, SINGER & TURCHI, LLP

By: 

Laurence I. Gross, Esquire
Attorney for Defendants,
Jasiel Castellon and Another Carrier Co., Inc.

Tower Commons, Suite 406
123 Egg Harbor Road
Sewell, NJ 08080
(856) 354-8074 Phone
(856) 354-8075 Fax
lgross@srstlaw.com

Dated: 6/2/17

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of Defendants, Jasiel Castellon and Another Carrier Co., Inc.'s Petition of Removal was sent by first-class United States mail, postage prepaid, to the counsel listed below:

Scott A. Telson, Esquire
Lombardi and Lombardi, P.A.
1862 Oak Treet Road
P.O. Box 2065
Edison, NJ 08818-2065

SALMON, RICCHEZZA, SINGER & TURCHI, LLP

By: 

Laurence I. Gross, Esquire
Attorney for Defendants,
Jasiel Castellon and Another Carrier Co., Inc.

Tower Commons, Suite 406
123 Egg Harbor Road
Sewell, NJ 08080
(856) 354-8074 Phone
(856) 354-8075 Fax
lgross@srstlaw.com

Dated: 6/2/17

EXHIBIT “A”

Scott A. Telson, Esq. – NJ Attorney
 ID# 017541980
 Lombardi & Lombardi, P.A.
 1862 Oak Tree Road
 Edison, New Jersey 08818
 (732) 906-1500; File No.: 17-27703SAT
 Attorney for Plaintiff

DAVID HENRIQUEZ-CHICAS	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION: UNION COUNTY
	:	DOCKET NO.: UNN-L-1749-17
Plaintiff	:	
vs.	:	Civil Action
JASIEL CASTELLON; ANOTHER	:	
CARRIER CO., INC; ENGS	:	
COMMERCIAL FINANCE	:	SUMMOMS
COMPANY	:	
Defendant	:	

From the State of New Jersey, To the Defendant (s) Named Above:

ENGs COMMERCIAL FINANCE COMPANY

The plaintiff, named above, has filed a lawsuit in the Superior Court of New Jersey. The Complaint attached to this Summons states the basis for this lawsuit. If you dispute this Complaint, you or your attorney must file a written Answer or Motion and proof of service with the Deputy Clerk of the Superior Court in the county listed above within 35 days from the date you received this Summons, not counting the date you received it. (A directory of the addresses of each Deputy Clerk of the Superior Court is available in the Civil Division Management office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deputyclerklawref.pdf.) If the Complaint is one in foreclosure, then you must file your written Answer or Motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, CN-971, Trenton, New Jersey 08625. A filing fee* payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the Deputy Clerk of the Superior Court) must accompany your Answer or Motion when it is filed. You must also send a copy of your Answer or Motion to plaintiff's attorney, whose name and address appear above, or to plaintiff if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written Answer or Motion (with fee of \$135.00 and completed Case Information Statement) if you want the Court to hear your defense.

If you do not file and serve a written Answer or Motion within 35 days, the Court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

Dated: 5/17/17

Michelle M. Smith
 Clerk of the Superior Court

Name of and address of Defendant to be served: Engs Commercial Finance Company- 8090 W. 23rd. Avenue, Suite 6, Hialeah, Florida 33016

RECEIVED / FILED
Superior Court of New Jersey

MAY 10 2017

CIVIL CASE MANAGEMENT
UNION COUNTY

Scott A. Telson, Esq. – NJ Attorney
ID# 017541980
Lombardi & Lombardi, P.A.
1862 Oak Tree Road
Edison, New Jersey 08818
(732) 906-1500; File No.: 17-27703SAT
Attorney for Plaintiffs

DAVID HENRIQUEZ-CHICAS : SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: UNION COUNTY
: DOCKET NO.:

Plaintiff

vs.

JASIEL CASTELLON; ANOTHER
CARRIER CO., INC; ENGS
COMMERCIAL FINANCE
COMPANY

Defendant

COMPLAINT AND JURY DEMAND

UNN-L-1749-17
Civil Action

Plaintiff, David Henriquez-Chicas, residing at 1036 Kilsyth Road in the City of Elizabeth,
County of Union and State of New Jersey, by way of Complaint and Jury Demand against the
defendants say:

FIRST COUNT

1. On or about November 1, 2016, plaintiff, David Henriquez-Chicas was the operator of a motor vehicle in Elizabeth, New Jersey.
2. On the date and at the place aforesaid, the defendant, Jasiel Castellon was the operator of a truck in Elizabeth, New Jersey owned by the defendant, Another Carrier Co., Inc., and/or Engs commercial Finance Company.
3. The defendant operated its motor vehicle in a negligent manner striking the plaintiff's vehicle.
4. As a result of the negligence of the defendant, the plaintiff, David Henriquez-Chicas did sustain bodily injury. He has suffered great pain of mind and body and will continue to suffer in the future. He has been prevented from attending to his normal and usual activities. He has incurred medical expenses to treat said injuries.

5. This claim is maintainable pursuant to the New Jersey Automobile Reparation Reform Act.

WHEREFORE, the plaintiff, David Henriquez-Chicas, demands judgment against the defendants, Jasiel Castellon; Another Carrier Co., Inc.; and Eng Commercial Finance Company together with interest and costs of suit.

JURY DEMAND

Plaintiff hereby demands a trial by jury of six (6) persons on all issues so triable.

DESIGNATION OF TRIAL COUNSEL

Pursuant to the provisions of R. 4:25-4, Scott A. Telson, Esq. is hereby designated as trial counsel.

CERTIFICATION; R. 4:5-1

The undersigned certifies that to the best of his knowledge and belief, there is not pending any other action which arises from the incident alleged in the Complaint or which involves the parties to this action.

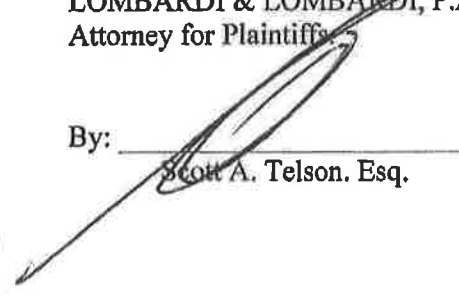
CERTIFICATION R. 4:5-1(b) (3)

The undersigned certifies that the within pleading contains no personal confidential identifiers for any party named herein. The undersigned recognizes a responsibility to ensure the same as to subsequent pleadings.



I certify that the foregoing statements made by me are true. I am aware that if any statement contained herein is willfully false, I am subject to punishment.

LOMBARDI & LOMBARDI, P.A.
Attorney for Plaintiffs

Date: May 8, 2017

By: 
Scott A. Telson, Esq.

Appendix XII-B1

 CIVIL CASE INFORMATION STATEMENT (CIS) Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed		FOR USE BY CLERK'S OFFICE ONLY	
		PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA	CHG/CK NO.
ATTORNEY / PRO SE NAME Scott A. Telson, Esq.		TELEPHONE NUMBER (732) 906-1500	COUNTY OF VENUE Union
FIRM NAME (if applicable) Lombardi & Lombardi, PA		DOCKET NUMBER (when available) UNN-L-1749-17	
OFFICE ADDRESS 1862 Oak Tree Road, P.O. Box 2065 Edison, New Jersey 08818		DOCUMENT TYPE Complaint and Jury Demand	
NAME OF PARTY (e.g., John Doe, Plaintiff) David Henriquez-Chicas, plaintiff		CAPTION David Henriquez-Chicas vs. Jasiel Castellon; Another Carrier Co., Inc.; Engs Commercial Finance Company	
CASE TYPE NUMBER (See reverse side for listing) 603N	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, LIST DOCKET NUMBERS	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN	
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS	
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION			
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION	
WILL AN INTERPRETER BE NEEDED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		IF YES, FOR WHAT LANGUAGE? Spanish	
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .			
ATTORNEY SIGNATURE:			

Side 2



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)**Track I - 150 days' discovery**

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 602 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|--------------------------------------------|-----------------------------------------------------------|
| 271 ACCUTANE/ISOTRETINOIN | 292 PELVIC MESH/BARD |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 282 FOSAMAX | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 299 OLMESARTAN MEDOXOMIL MEDICATIONS/BENICAR |
| 287 YAZ/YASMIN/OCELLA | 300 TALC-BASED BODY POWDERS |
| 289 REGLAN | 601 ASBESTOS |
| 290 POMPTON LAKES ENVIRONMENTAL LITIGATION | 623 PROPECIA |
| 291 PELVIC MESH/GYNECARE | |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category

☐ Putative Class Action☐ Title 59